

COMBINED DECLARATION, POWER OF ATTORNEY AND PETITION

S. S	As a below named inventor, I hereby declare that:							
	This declaration is of the following type:							
		original design suppleme national si	ntal tage of PCT		divisional continuation continuation			
	My residence, post office address and citizenship are as stated below next to my name.							
which a	I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled METALLIC COMPOSITE COATING FOR DELIVERY OF THERAPEUTIC AGENTS FROM THE SURFACE OF IMPLANTABLE DEVICES, the specification of which:							
	(a) (b) (c)	was file amended	ched hereto ed on <u>November 3,</u> on escribed and claimed i iled on (if any).	_ (if app n PCT li	licable). nternational <i>i</i>	Application No		
I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.								
I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.								
I hereby claim foreign priority benefits under 35 USC 119 (a) – (d), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by check the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s) or any PCT international application having a filing date before that of the application of which priority is claimed.								
 (d) ⊠ no such applications have been filed. (e) □ such application have been filed as follows: 								
		oplication	Country		e of Filing	Priority Not	Certified Copy	
·	Number(S)	(or indicate if PCT)	(IVIIVI)	DD/YYYY)	Claimed	Attached? Yes No	
	-						Yes No	
					 			

I hereby claim the benefit under 35 USC 119(e) of any United States provisional application(s) listed below:

Provisional Application	Date of Filing		
Number(s)	(MM/DD/YYYY)		

I hereby claim the benefit under 35 USC § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 USC § 112, I acknowledge the duty to disclose material information as defined in 37 CFR § 1.56(a), regarding events which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Filing Date	Status-patented, pending, abandoned	
•			

I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

Cullman, L.C., Reg. 39,645 Glasky, M.S. Reg. 54,124 Pelto, D. Reg. 33,754 Sung, L., Reg. 38,330 Walker, T., Reg. 41,521 Chow E., Reg. 46,191 Galvez, G., Reg. 52,933 Lynch, C.J., Reg. 34,216 Schwartz, J., Reg. 39,019 Tikku, A., Reg. 42,185 Hopkins, J. Reg. 48,969 Klein, R.L., Reg. 33,330 Peacock, J. Reg. 40,124

Direct All Correspondence to CUSTOMER NUMBER: 45,200

PRESTON GATES & ELLIS

1900 Main Street
Suite 600
Irvine, CA 92614-7319
Attn: Louis C. Cullman
Telephone: (949) 253-0900

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of First Inventor:

Matthew J. Birdsall

Inventors Signature:

Date Signed:

7/5/04

Desidence (City State and/or Country):

Santa Rosa, California

Post Office Address(Street, City, State, Zip Code, Country):

4012 Polled Hereford, Santa Rosa, CA 95404

Full Name of Second Inventor:	
Richard L. Klein	
Inventors Signature:	Date Signed:
Sichard flein	14 JULY 2004
Residence (City, State and/or Country):	Citizenship:
Santa Rosa, California	US
Post Office Address(Street, City, State, Zip Code, Country):	
3823 Moss Hollow, Santa Rosa, CA 95404	

Full Name of Third Inventor: Nathan Maier	
Inventors Signature:	Date Signed:
Nathan Main	15 July 2004
Residence (City, State and/or Country):	Citizenship:
Forestville, CA	Canada
Post Office Address(Street, City, State, Zip Code, Country):	•
Box 1093, Forestville, CA 95436	